

Appln No. 09/838,695

Amdt date September 29, 2005

Reply to Office action of June 29, 2005

**REMARKS/ARGUMENTS**

Claims 1-44 are now in the application. No claims have been cancelled. New claim 44 has been added. No new matter has been added in new claim 44. Support for claim 44 is shown in the specification, for example, on page 20, line 30 to page 21, line 32 and Fig. 8. Reconsideration and re-examination of the above-identified patent application is hereby requested.

The Examiner has rejected Claims 1-43 under 35 U.S.C. §103(a) as allegedly being unpatentable over Akatsu et al. (US 6,523,064) ("Akatsu"), Brooks (US 6,008,809) ("Brooks") and Henshaw (US 6,040,833) ("Henshaw").

Under the MPEP § 2143, "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The Applicant submits that there is no motivation or suggestion to combine Henshaw, Brooks and Akatsu. While Henshaw teaches selecting a depth level and displaying the window corresponding to the selected depth level as well as displaying overlapped windows that have a depth level that is higher than the selected depth level (col. 5, lines 20-55), the objective of Brooks is to prevent the display of overlapped windows (emphasis added) (abstract). Brooks teaches away from overlapping windows

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through the crux of its invention, which is "a dynamic window 212 in order to view multiple application windows simultaneously on the same level i.e., without overlapping one another." (Emphasis Added) (Col. 5, lines 31-46). To accomplish this objective of not displaying windows in an overlapping fashion, Brooks goes as far as to teach displaying a button representative of a window instead of the window when displaying the window would cause overlapping of windows (abstract). Accordingly, there would be no motivation to combine a reference that teaches a system for the display of overlapping windows (Henshaw) with a reference that teaches a system for the prevention of the display of overlapping windows (Brooks).

The Applicant also submits that there is no motivation or suggestion to combine Akatsu and Brooks. While Akatsu teaches an "arbitration service to ensure that only one node at a time is sending data" (col. 6, lines 8-11), Brooks depends upon multiple processes to send data at the same time and displays non-overlapping windows, each window representing data sent by a process (abstract). We note that Brooks expressly teaches "main memory 120 includes applications 208 and dynamic windowing mechanism 128. Any number of applications may be running and stored in main memory 120 for use with dynamic windowing mechanism 128." (Emphasis Added) (Col. 5, lines 36-39).

Accordingly, there would be no motivation to combine Akatsu and Brooks because following the principle of operation of Akatsu (only one node at a time sending data) would change the principle of operation of the invention in Brooks.

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Accordingly, in view of the above remarks, it is submitted that claims 1-43 are not rendered obvious under the cited references, alone or in combination, and that the 35 U.S.C. § 103 rejections to claims 1-43 have been overcome. Reconsideration, re-examination and allowance of these claims is requested.

Examination and allowance of claim 44 is also requested.

If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,

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